

UNITED STATES DISTRICT COURT
DISTRICT OF NEW HAMPSHIRE

Plaintiff(s)

JAMES GAZLAY,

Civil Case Number: 21-cv-_____

v.

COMPLAINT

Defendant(s)

JURY TRIAL DEMANDED

BUCK RUB PUB LODGE REALTY LLC

CIVIL COMPLAINT AND DEMAND FOR JURY TRIAL

PARTIES AND JURISDICTION

1. Plaintiff James Gazlay (“Plaintiff”) was and is a resident of the City of Southbury, County of New Haven, and State of Connecticut, with a mailing address of 82 Meadow Brook Road, Southbury, CT 06488.
2. Defendant Buck Rub Pub, Lodge and Realty, LLC (“Defendant” or “the Pub”) was a Domestic Limited Liability Company formed under the laws of the State of New Hampshire, with a principal place of business at 2253 North Main Street, Pittsburg, NH, 03592.
3. Plaintiff alleges an amount in controversy in excess of Seventy-Five Thousand Dollars (\$75,000.00) exclusive of interests and costs.
4. This court has jurisdiction over this action, pursuant to 28 U.S.C. § 1332 because the amount in controversy exceeds Seventy-Five Thousand Dollars (\$75,000.00) and because there is complete diversity of citizenship between the Plaintiff and the Defendant.

FACTUAL BACKGROUND

5. On or about December 26, 2019, Plaintiff and his son arrived at the Buck Rub Pub's lodge to stay overnight so that he could use his snowmobiles on the trails in Pittsburg, New Hampshire.
6. During the night freezing rain fell, making the slippery conditions even worse. When Mr. Gazlay woke in the morning, it was still drizzling.
7. After realizing that the weather for the next few days was mostly freezing rain, and not snow, Mr. Gazlay and his son decided to return home instead of driving their snowmobiles for the first time on dangerous conditions.
8. The side of the parking lot where Mr. Gazlay's truck was parked did not receive a coating of sand.
9. At approximately 10:35am, Mr. Gazlay left his room to turn on and warm up his truck, before the 11am check out. Just before reaching his truck, however, Mr. Gazlay slipped and fell, striking the back his head on the hard ice of the parking lot.
10. As a result of this fall, Plaintiff was seriously injured and therefore damaged by the conduct of the Defendant.

COUNT I – NEGLIGENCE

11. IN A PLEA OF THE LAW, wherein all allegations contained in the preceding paragraphs are incorporated herein by reference.
12. It was the duty of Defendant to use reasonable care in the construction, operation, and maintenance of the Pub's premises, to ensure that no unreasonably dangerous conditions exist, to adequately warn customers/employees of unreasonably dangerous conditions,

and to otherwise maintain the premises in conformity with the statutory, regulatory, and common law of the State of New Hampshire, so as not to endanger the lives and safety of others lawfully using the Pub's premises, such as Plaintiff.

13. Yet, nevertheless, Defendant breached these duties to Plaintiff, in that it failed to use reasonable care in the construction, operation, and maintenance of the Pub's premises; failed to provide a reasonably safe parking area for patrons; failed to adequately clear ice and snow and/or to warn customers of the unreasonably dangerous condition of ice and snow in the parking area; and to otherwise maintain the premises in conformity with statutory, regulatory and common law of the State of New Hampshire.
14. As a direct and proximate result of the actions of the Defendant, as described above, Plaintiff sustained severe, painful, and permanent injuries including, without limitation, a traumatic brain injury, among other severe injuries, requiring him to incur hospital and other medical care and expenses, now and in the future, lost wages, now and in the future, physical and mental pain and suffering, now and in the future, loss of enjoyment of life, now and in the future, and other injuries and losses.
15. Said losses are all to the damage of Plaintiff, as he says, in serious and substantial amounts within the jurisdictional limits of this Court.
16. Wherefore, Plaintiff has been damaged and demands a trial by jury and an award of damages from the Defendant.

WHEREFORE, THE PLAINTIFF RESPECTFULLY REQUESTS THAT THIS HONORABLE COURT:

- A. Grant the Plaintiff a trial by jury and an award of damages from the Defendant;
- B. Grant the Plaintiff its prejudgment interest and all taxable costs; and
- C. Grant the Plaintiff such other and further relief as may be just and equitable.

DATED: 04/21/2022

James Gazlay

By and through his Attorneys
Waystack Frizzell, Trial Lawyers

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